

Application No. 09/877,164
Response dated June 21, 2004
Reply to Office Action of April 22, 2004

REMARKS

The Examiner has rejected claims 1-13, 21-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 1, 6-8 and 121 are rejected under 35 U.S.C. § 102(b) as being anticipated by O'Connell et al. U.S. Patent No. 5,272,084. Claims 2-4 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Connell. Claims 9-13 and 22 would be allowed if rewritten or amended to overcome the § 112, second paragraph rejection. Claim 5 would be allowed if rewritten to overcome the § 112 rejection and to include all of the limitations of the base claim. Claim 14 would be allowed if rewritten to include the limitations of claim 9.

By this amendment, claim 1 has been canceled, thereby rendering moot the rejections thereto. Claims 2-4 have been amended to depend from claim 5, which has been indicated to be allowable if rewritten to overcome the § 112 rejection. Claim 5 is amended to be rewritten as an independent claim including all the limitations of base claim 1, but omitting reference to "the heads of the pipettor" and "the multiple head pipettor", thereby correcting the lack of antecedent basis. Claim 9 has also been amended herein to delete those terms. Thus, Applicants respectfully request that the rejection of claims 1-13 and 21-22 under § 112, second paragraph, be withdrawn. Having overcome the rejection under § 112, Applicants believe that claims 2-13 and 21-22 are now in condition for allowance.

The Examiner also indicated that claim 14 would be allowable if amended to include the limitations of claim 9. Applicants have chosen instead to include the limitations of

Application No. 09/877,164
Response dated June 21, 2004
Reply to Office Action of April 22, 2004


claim 5, which was also indicated to be allowable, and thus, the amendment should likewise put claim 14 in condition for allowance.

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS LLP.

By: 
Kristi L. Davidson, Reg. No. 44,643

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)
K:\NAC\108\Response to OA.DOC